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In re application of
BECKER
Serial No.: 09/574,987
Filed: May 12, 2000
VISIBLE LIGHT pH CHANGE FOR ACTIVATING
POLYMERS AND OTHER pH DEPENDENT
REACTANTS

**RESPONSE TO
PETITION**

This is a response to the petition under 37 C.F.R. 1.144 filed on July 25, 2001 in Paper No. 6 to request reconsideration of the requirement for restriction as set forth in the Office action mailed March 28, 2001 Paper No. 3.

RESPONSE

Applicant has canceled all claims directed to the non-elected invention. The only claims currently present in the application are Claims 7-14 and 27-33, directed to the elected invention. Since none of the non-elected claims are present in the application, it can not be determined whether the restriction is proper or not. Without claims directed to the non-elected invention there is nothing to compare to the elected invention and thus impossible to evaluate the restriction requirement. Therefore this Petition will be DISMISSED until there are claims directed to the non-elected invention present in the application.

Applicant is advised that merely resubmitting the canceled claims would still not make the instant case ripe for consideration of a similar Petition. The Examiner needs to be afforded the opportunity to respond to Applicant's grounds of traversal (37 C.F.R. 1.144 & M.P.E.P. 818.03c). In the last Office Action of May 8, 2001, the Examiner only responded that Applicant's arguments were moot because the non-elected claims were canceled.

In view of the above discussion, the petition is **DISMISSED**.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700

Serial No. 09/574,987

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Chemical and Materials Engineering

COMMANDING OFFICE
OFFICE OF PATENT COUNSEL CODE D0012
Spawarsyscen San Diego Room 103
53510 Silvergate Avenue
San Diego CA 92152-5765